

# WARRANT TO SEARCH

Prevention of Cruelty to Animals Act R.S.B.C. Chapter 372 (THE "ACT")

Spec. Reg. 13(3)(a)

Canada

Province of British Columbia

To an authorized agent of the British Columbia Society for the Prevention of Cruelty to Animal or, if applicable, to a peace officer in the Province of British Columbia exercising the powers of an authorized agent under section 22 of the Act:

I am satisfied, on the sworn/affirmed information of [REDACTED] of [REDACTED] British Columbia that there are reasonable grounds to believe that — [check as applicable]

An animal is in distress in the premises (premises, vehicle, aircraft, vessel), (the "premises");

An offence under section 24 has been committed, namely an injured German Shepherd dog found in a dumpster belonging to the resident of [REDACTED] Maple Street, Vancouver, BC (the "Premises) and that there are things at [REDACTED] Maple Street, Vancouver, BC (the "premises") that will afford evidence of that offence, including a Swiss Army knife, 1 large link chain and 1 baseball bat (the "things described")

This authorizes you to enter the premises between the hours of

(time) 5:15 pm on (date) 20 July 2012 to (time) 8:30 pm on (date) 20 July 2012  
[check as applicable]

to determine whether any action authorized by the Act should be taken to relieve the animal's distress and to take such action;

to search for and seize the things described

  
A Justice of the Peace in and for  
the Province of British Columbia

Dated [day/month/year] July 2012 at Vancouver, BC, British Columbia

Information to obtain the search warrant is filed at

Court Registry: Vancouver, BC

CERTIFIED TRUE COPY

July 20 2012  
Justice of the Peace

**INFORMATION TO OBTAIN A SEARCH WARRANT**  
*Prevention of Cruelty to Animals Act R.S.B.C. 1996, Chapter 372 (THE "ACT")*

**CANADA**

Province of British Columbia

This is the information of [REDACTED] of [REDACTED], Special Provincial Constable (the "informant"), taken before me.

The informant says that the informant has reasonable grounds to believe that:  
*[check as applicable]*

An animal is in distress at the premises (premises, vehicle, aircraft, vessel) at (address, street, city) (the "Premises");

An offence under section 24 of the Act has been committed, namely an injured German Shepherd dog found in a dumpster belonging to the resident of [REDACTED] Maple Street, Vancouver, BC (the "Premises) and that there are things at [REDACTED] Maple Street, Vancouver, BC (the "premises"), including a Swiss Army knife, a baseball bat and a large-link chain (the "things described"), that will afford evidence of that offence.

**GROUND FOR BELIEF ARE:**

1. That I, [REDACTED] (hereinafter referred to as the "INFORMANT"), as an authorized agent of the British Columbia Society for the Prevention of Cruelty to Animals (BCSPCA) employed by the BCSPCA since 2006 and appointed as a Special Provincial Constable (SPC) of the BCSPCA since 2003, have reasonable grounds to believe that an animal(s) is in distress pursuant to Section 11 of the Prevention of Cruelty to Animals Act. I have reviewed the files and have personal knowledge of the matters set out herein, except where the knowledge is stated to be based on information and beliefs in which case I verily believe them to be true.
2. July 18<sup>th</sup>, 2012 BCSPCA staff in Vancouver received a telephone call regarding an injured German Shepherd that had been found at the bottom of a dumpster in the alley behind 1430 Maple Street, Vancouver, BC. This complaint was entered into the BCSPCA Shelter Buddy system as Ambulance Request Job 135085 as well as Cruelty Complaint Job (See Attachment 1 - Ambulance Request Summary/Cruelty Complaint Summary)

At approximately 1205 hrs, the INFORMANT attended the location of the alley and the dumpster and spoke with the complainant Martha MILKERAITIS who lived in the building of 1430 Maple Street (the "building"), her boyfriend Happy KREITER who was in the dumpster with the dog and the building owner Irving KIRSCH. The INFORMANT observed in the dumpster a German Shepherd dog laying at the bottom. The dog appeared underweight, was conscious but motionless. The INFORMANT took photographic evidence. KREITER said he had gone to the dumpster to throw away an old microwave and found the dog inside wrapped in a blood stained sheet. He called MILKERAITIS to bring down some water and call the SPCA. KIRSCH was also alerted by his assistant 'Tessy' who had come to dispose of garbage and found KREITER and the dog. SPC Stephanie MCKAY and veterinarian student Karen GILLESPIE then came on scene. MCKAY and the INFORMANT went in to the dumpster with a stretcher and when the dog was moved, a large pool of wet blood was found under the right side of his head and the dog appeared unable to move. Vancouver Police Department (VPD) Constable (Cst) Ryan HOOPRR then arrived on scene and spoke with the witnesses. The dog was removed from the dumpster and MCKAY and GILLESPIE immediately transported him to Vancouver Animal Emergency Clinic (VAEC). At the time MILKERAITIS had stated the dog was 'Sebastian' living in suite 202 of the building, but it was later determined through a microchip and witness identification the dog was actually named

## INFORMATION TO OBTAIN A SEARCH WARRANT

*Prevention of Cruelty to Animals Act R.S.B.C. 1996, Chapter 372 (THE "ACT")*

'Captain' and lived with the owner [REDACTED] in suite 2 of the building. KRFTER pointed out a white bag of towels he had found beside the dog in the dumpster. The INFORMANT observed they were filled with feces and diarrhea. The INFORMANT removed this bag as evidence and exited the location.

At approximately 1209 hrs, the INFORMANT attended VAEC and the following injuries were observed and recorded by the veterinary staff:

- spontaneous hemorrhaging from the back of the neck to midline and over the entire shoulder blade with marked swelling
- 1 puncture wound over the right shoulder blade area
- $\frac{1}{2}$  inch thick straight laceration on top of the head extending through one muscle layer that was suspected to be caused by a sharp object
- a smaller laceration slightly ventral to this
- small puncture wound on the back of the neck
- profuse diarrhea observed
- marked muscle wasting with a Body Condition Score (BCS) of 2/9 (very thin)
- dog unable to walk and had a depressed mentation

The medical report stated the altered mentation could be secondary to intracranial hemorrhage and that the injuries were due to trauma. The INFORMANT was also told by the veterinary staff the injuries were quite recent and would have happened within a 24 hr period.

3. July 19<sup>th</sup>, 2012 At approximately 0906 hrs, the INFORMANT attended the Premises with HOOPER to attempt contact with the owner [REDACTED]. There was no answer to repeated knocks and announcement of VPD presence. The INFORMANT and HOOPER went to the front of the building and observed [REDACTED] front and side windows were covered with blinds. A Swiss Army knife was observed open and stuck in the window sill of the front window. The INFORMANT took a photograph of the knife for evidence then posted a BCSPCA Notice to contact and taped it to the door jam. HOOPER and the INFORMANT spoke with building owner KIRSCH who showed them an eviction notice he would be serving to [REDACTED]. The notice was to vacate the Premises by August 31<sup>st</sup>, 2012. KIRSCH also provided telephone contact details for [REDACTED] as well as his mother as 'Barb'. HOOPER tried the telephone number for [REDACTED] but received no answer and there was no option for voice mail. HOOPER and the INFORMANT then exited the property.

At approximately 1201 hrs, the INFORMANT telephoned [REDACTED] mother 'Barb'. The INFORMANT advised her of the situation and asked if she knew of his whereabouts. 'Barb' stated she did not and [REDACTED] did not have a phone to reach her. 'Barb' said she had been to the Premises the day before at approximately 0700 hrs to give [REDACTED] money and cigarettes and had not seen the dog. She did confirm the dog's name was 'Captain', that [REDACTED] had him approximately 2 months and when she had seen 'Captain' in the past he did look "a little bit skinny". 'Barb' also confirmed her son was having some mental health issues. The INFORMANT advised 'Barb' to have [REDACTED] contact as soon as possible.

At approximately 1612 hrs, the INFORMANT received a telephone call from HOOPER stating he and several plain clothes members of VPD were at the property. The BCSPCA Notice was still taped to the Premises door and there had been no contact made with [REDACTED]. HOOPER advised they would be standing by and would alert the INFORMANT if any contact was made.

4. July 20<sup>th</sup>, 2012 At approximately 0804 hrs, the INFORMANT received a voice mail from KIRSCH stating [REDACTED] mother was coming to the Premises at 0900 hrs to check on her son.

At approximately 0919 hrs, the INFORMANT attended the Premises and met with HOOPER and KIRSCH. HOOPER stated that 'Barb' had arrived and he and VPD members went inside the Premises first to secure it for her. HOOPER stated the BCSPCA Notice had still been taped to the door jam and [REDACTED] was not inside. HOOPER also stated the Swiss Army knife was stuck in

**INFORMATION TO OBTAIN A SEARCH WARRANT**  
*Prevention of Cruelty to Animals Act R.S.B.C. 1996, Chapter 372 (THE "ACT")*

the windowsill, a large link chain and a baseball bat were on the floor, and there were also multiple piles of dog feces observed in the suite. HOOPER stated 'Barb' then locked the Premises and exited the building.

At approximately 1042 hrs, the INFORMANT returned a telephone call from a witness Curtis PENN. PENN stated the night before the dog was found he heard loud and fast banging in [REDACTED] s suite which sounded like a chain hitting wood and like the walls were being torn down. PENN also said that he had seen [REDACTED] in the past using a very large chain to walk the dog.

(See Attachment 2 – PENN Statement)

The INFORMANT believes an offence pursuant to Section 24 of the PCA Act has occurred and items including a Swiss Army knife, a large-link chain and a baseball bat and relating to Brian [REDACTED] of [REDACTED] Maple Street, Vancouver BC, will afford evidence of that offence.

[REDACTED]

The informant asks that, pursuant to section 13(2)(a) and/or 13(2)(b) of the Act, a warrant be issued authorizing an authorized agent of the British Columbia Society for the Prevention of Cruelty to Animals or if applicable, a peace officer in the Province of British Columbia exercising the powers of an authorized agent under section 22 of the Act, to enter the premises -

[check as applicable]

to take any action authorized by the Act to relieve the animal's distress;  
 to search for and seize the things described

Sworn or affirmed before me on 20 July 2012 [day/month/year]

*[Signature of Informant]*

At BURNABY, British Columbia

*[Signature of Justice of the Peace]* **J. Morris**  
Justice of the Peace

A Judge or Justice of the Peace in and for  
the Province of British Columbia

## Finalized Ambulance Request Summary

Job Num: **135095**

Urgency:

Date Received: 18-Jul-2012,  
11:41:00 AM  
(11:41)

Officer Details:

Officer Region: Lower Mainland-Fraser Valley

## Location Details

Location: 1430 Maple Street VANCOUVER BC V5L 1R1

Location Notes:

[Hide / Show Caller Details](#)

## Caller Details

Person ID: 408815  
Name: Martha Milkereitis  
Address: 1430 Maple Street

Phone:

Email Address:

## Ambulance Request Codes

Injured

## Ambulance Request Details

Received By: Marie-Louise Lammam

Source: Public

Potential Violence: Unknown

Potential Violence Details

Verbally Abusive: Unknown

Other Comments / Notes:

Jul 18 2012 11:43AM Injured abandoned sheep 'n the dumpster alley  
behind caller's address, caller is standing by with  
the dogs

Commercial Livestock: No

Complainant Observed: No  
Animals:

AP

## Cruelty Complaint Summary

Job Num: **[REDACTED]**

Urgency:

Date: 18-JU-2012, 5:21:00 AM (05:21)  
Received:Officer  
Details:Officer: Lower Mainland-Fraser Valley  
Region:

### Location Details

Location: **[REDACTED]** Maple Street VANCOUVER BC V6J 4J7

Location Notes:

THERE HAVE BEEN PREVIOUS DISPATCH REQUESTS ON THIS STREET.

[Hide / Show Caller Details](#)

### Caller Details

Person ID: 408915  
Name: Martha Milkereitis  
Address: 1430 Maple Street  
[REDACTED]

Phone: Mobile: [REDACTED]  
Work: [REDACTED]

Email Address:

### Person of Interest Details

Person ID: 408926  
Name: [REDACTED]  
Address: [REDACTED] Maple Street, VANCOUVER BC V6J 4J7  
[REDACTED]  
Phone: Home: [REDACTED]  
Mobile: [REDACTED]  
Work: [REDACTED]

### Cruelty Complaint Codes

### Cruelty Complaint Details

Received: [REDACTED]  
By: [REDACTED]  
Source: Ambulance  
Potential  
Violence: Unknown  
Potential  
Violence  
Details  
Verbally  
Abusive: Unknown

**Other  
Comments /  
Notes:**

Jul 20 2012 3:43PM Inj GSC found in dumpster. am

**Commercial Livestock:** No**Complainant  
Observed** No  
**Animals:****Notes / Action Taken**

Dispatch / Pick Up Date and Time: \_\_\_\_\_

Finish / Drop off Date and Time: \_\_\_\_\_

**Cruelty Complaint Outcome**

- Animal(s) Removed
- Animal(s) Surrendered
- Call Cancelled
- Call Cancelled At Request Of Caller
- Concluded
- No Further Action Required
- No Such Address
- Order Issued
- Spoke With Owner
- Unfounded

Date	Time	Agent	Narrative

## 1430 Maple st dog

Sent: July 20, 2012 10:46 AM  
To: [REDACTED] Lower Mainland BC SPCA

To whom it may concern, On Tuesday July 17 approximately 8 pm I was returning from a walk on the beach. I entered the building at 1430 Maple St from the lower North entrance, as I do quite often. As I approached the entrance door I heard a really loud fast banging. It sounded like something metal hitting wood, very fast and very hard, like someone was in a rage beating against something. I stepped in the door and stopped to listen to try to figure out where it was coming from and realized it was

[REDACTED] apartment and then the banging stopped. I thought I should call the mgr and tell him it sounds like someone in there is tearing the building down, but it stopped and I thought well what can he do now? I turned the corner to walk down the hall towards the steps to go up to my apartment and when I was on the top step before the first landing I heard a chain drop in front of [REDACTED] door, on the inside. I thought to myself oh [REDACTED] is going to walk his dog with that Huge ridiculous chain that he always has on that dog ( the chain was looped around the dogs neck acting as a collar and leash. I went into my apartment and didn't think anything else and didn't put anything together as to what the sound was until I saw the news reporters out front and my neighbor told me what happened. I now realize it was [REDACTED] beating his dog with that huge chain, and I feel horrible now that I didn't call when I knew there was something wrong when I heard that rage going on. I have seen [REDACTED] with that dog for maybe 2 months and had spoken with him and asked him why he had such a big chain on that dog? I honestly can't remember what his reply was. He did tell me the dog was deaf and had been brought over from Europe or somewhere to be a police dog and he was too kind and deaf to make it, and that he had rescued the dog. I was concerned with the dogs condition, he was very skinny, but afraid to question [REDACTED] about this. I spoke with a neighbor about it and asked what I should do, and she [REDACTED]

[REDACTED] spoke with him, and he gave her an answer that he was trying to get weight on the dog as he was a rescue. I still don't know why you would go run with a dog with that heavy chain when the dog was that skinny. Our dumpster has a lock on it and only tenants can get in. The sound of that beating will never leave my head! I have done lots of remodeling and I know what metal hitting wood sounds like, from using a crowbar to tear out walls. There is NO doubt in my mind of that what I heard was him beating that nice dog. Please let me know if I can be of further assistance.

[REDACTED]

A2